

Know Your Rights

Whenever you are stopped or confronted by a police officer, you have rights and responsibilities. It is important that you know what you should do, what you should not do and what you cannot do.

The Basics

1. What you say to the police is always important. What you say can be used against you, and it can give the police a reason to arrest you, especially if you insult, threaten or swear at a police officer.
2. If you are stopped in your car, you must show your driver's license, vehicle registration and proof of insurance. Otherwise you are not required to answer any questions.
3. If you are encountered by the police, they may ask for your name. You are not required to answer, but it is a crime to give a false name.
4. You do not have to consent to any search of yourself, your car or your home. If you do consent to a search, it can affect your rights later in court. If the police say they have a search warrant, ask to see it.
5. Do not interfere with or obstruct the police – you can be arrested for it.

If you are stopped for questioning

1. It is not a crime to refuse to answer questions. However, refusing to answer questions might make the police suspicious about you. If you are asked to identify yourself, see paragraph 2 above.
2. The police may “pat down” your clothing if they suspect that you have a concealed weapon. Do not physically resist, but make it clear that you do not consent to any further search.
3. Ask if you are under arrest. If you are, you have a right to know why.
4. Do not insult or swear at the police officer and do not run away, even if you believe that what is happening is unreasonable. Doing either of these things could lead to your arrest.

If you are stopped in your car

1. Upon request, show the police your driver's license, registration and proof of insurance. In certain situations, your car can be searched without a search warrant as long as the police have probable cause. To protect your rights later, you should make it clear that you do not consent to a search. The police cannot arrest you for simply refusing to consent to a search.
2. If you are given a ticket, you should sign it, otherwise you might be arrested. You can always fight the case later in court.
3. If you are suspected of driving under the influence of drugs or alcohol, the police can ask you to take a blood, urine or breath test to determine your level of intoxication. You have the right to refuse the test; however, if you refuse the test, your driver's license may be suspended.

If you are arrested or taken to a police station

1. You have the right to remain silent. You have the right to talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Do not give any explanations, excuses or stories. You can present your defense in court later, based on what you and your lawyer decide is best.
2. Ask to see a lawyer immediately. If you cannot pay for a lawyer, you have a right to have a lawyer appointed to represent you and you should ask the police how to contact the appointed lawyer. In Davidson County, the police have a list of Assistant Public Defenders who are available 24 hours a day, seven days a week. If the police cannot or will not contact a lawyer for you, it is still your right to not talk to the police until you have talked to a lawyer. **Don't say anything without a lawyer.**
3. The law allows the police to tell you that they have evidence which they do not, in fact, have. If you make statements based upon this false information, the law allows the statements to be used against you later. **Don't say anything without a lawyer.**
4. Within a reasonable time after your arrest or booking, you have a right to make a local phone call to a lawyer, bail bondsman, a relative or any other person. The police or sheriff's deputies are not allowed to listen to the call to a lawyer.
5. Do not make any decisions in your case until you have talked to a lawyer.
6. Do not make any statements to newspaper, radio or television reporters. Such statements may be used against you later in court. **Don't say anything without a lawyer.**